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The Honorable William E. Kennard
 Chairman
 Federal Communications Commission
 445 12th St., S.W.
 Washington, DC 20554

Dear Chairman Kennard:

Pursuant to the Balanced Budget Act of 1997 (BBA '97), the Commission is on the verge of reallocating of 36 MHz of spectrum in the 746 through 806 MHz band (which had been allocated to television broadcast channels 60 through 69). I note that a number of participants in this important reallocation proceeding have proposed that the Commission allocate 6 MHz of this very valuable spectrum for use by private mobile radio service (PMRS) systems.

I write to inquire about the implications this proposal would have on spectrum management policy, as well as the deployment of broadband wireless technologies. Accordingly, pursuant to Rules X and XI of the United States House of Representatives, please provide the Committee written responses to the following requests for information no later than the close of business December 21, 1999.

1. Congress (and, in particular, the Committee on Commerce) carefully crafted the spectrum-related provisions in the BBA '97 to ensure that the spectrum reallocated therein would be put to its most intense and efficient use. Toward that end, Section 3004 of the BBA '97 (codified at 47 U.S.C. § 337) explicitly directs the Commission to reallocate 36 MHz of spectrum in the 746 through 806 MHz band "for commercial use." Please explain how the proposal to allocate a portion of the 36 MHz to private use would be consistent with Section 337 of the Communications Act.

2. Please discuss whether the term "commercial use" can be interpreted to include radio-based services used by entities to meet their own internal communications needs (in addition, obviously, to radio-based services offered to the public for hire). If so, please discuss what differentiates "commercial uses" from "private uses."

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U.S. House of Representatives
 Committee on Commerce

Room 2125, Rayburn House Office Building
 Washington, DC 20515-6115

December 15, 1999

WT Docket No. 99-168
ex parte

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3. Please discuss why a new nationwide allocation for PMRS systems is necessary. In doing so, please explain why private users (unlike the average American consumer) cannot rely on existing commercial mobile radio service (CMRS) providers to meet their wireless needs.

4. Please explain how the Commission would assign the licenses to use the spectrum set aside for PMRS systems. In doing so, please explain how such assignment is consistent with the requirement under Section 337 that the Commission assign "the commercial licenses" by means of its competitive bidding procedures. To the extent the Commission is contemplating assigning the licenses to a so-called "band manager," please identify the statutory provision, or any accompanying legislative history, that indicates Congress intended such an assignment.

5. Please discuss the state of deployment of wireless broadband technologies that provide consumers with high-speed access to the Internet, particularly consumers in small and rural markets. In doing so, please specifically discuss whether any of these technologies have a mobile component, or whether these technologies are entirely fixed in nature. Please also discuss whether frequencies in the 746 through 806 MHz band are well suited for mobile services given their propagation characteristics, as compared to frequencies further up the spectrum.

6. Please discuss the extent to which the proposed 6 MHz set-aside for PMRS systems is necessary to protect public safety users operating in adjacent bands. Please also discuss why it would not be possible for the Commission, in lieu of a spectrum set-aside for private users, to set strict limits on out-of-band emissions for commercial users, and condition their licenses on compliance with those limits, as a means of protecting public safety users.

Thank you for your attention to this matter. I look forward to a prompt reply.

Sincerely,



Tom Bliley
Chairman

cc: The Honorable John D. Dingell
The Honorable W.J. "Billy" Tauzin
The Honorable Edward J. Markey
The Honorable Anna G. Eshoo
The Honorable Susan Ness
The Honorable Harold Furchgott-Roth
The Honorable Michael Powell
The Honorable Gloria Tristani